Wednesday, August 26, 2020 @ 7:00PM

Chairman McLaughlin called the meeting to order at 7:01pm.

Open Public Meeting Act Announcement: In compliance with Chapter 231, Public Law 1975, adequate notice of this meeting was made. It has been posted on the Bulletin Board in the Municipal Center. Copies have been mailed to THE RECORD, NORTHERN VALLEY PRESS, and the NORTH JERSEY SUBURBANITE. A copy has been filed with the Borough Clerk and copies have been mailed to individuals requesting the same.

Based on the executive orders from the state, this meeting will be conducted via Zoom. The meeting details were published in the Record.

ROLL CALL

Roll Call	PRESENT	ABSENT
(RM) Chairman Richard McLAUGHLIN	X	
(MR) Vice Chair Michael ROTH	X	
(JP) John POWERS	X	
(RB) Robert BUDINICH	X	
(JC) Jin CHO	X (joined 7:02pm)	
(SL) Steve LOTT	X	
(SM) Stephen MARTINEZ		X
(GZ) Gail ZACCARO (alternate a)	X (joined 7:03pm)	
(RF) Robert FRANK (alternate b)	X	

Also present: (JS) John Schettino, Board Attorney (joined at 7:05pm)

(AK) Anthony Kurus, Board Engineer (Neglia Engineering)

(CL) Carolyn Lee, Land Use Secretary

MINUTES FOR APPROVAL

July 22, 2020 minutes

Vote to approve July 22, 2020 minutes.	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH			X			
John POWERS			X			
Robert BUDINICH	X		X			

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Jin CHO		X		
Steve LOTT	X	X		
Stephen MARTINEZ				X
Gail ZACCARO (alternate a)		X		
Robert FRANK (alternate b)		X		

INVOICES FOR APPROVAL

	TOTAL	\$1	157 50
Law Office of John Schettino	4 Park St. Resolution (Quantmeyer) - Escrow	\$	757.50
Law Office of John Schettino	157 Lynn St. Resolution (Park) - Escrow	\$	250.00
Law Office of John Schettino	Meeting Attendance - 7/22/2020	\$	150.00

Vote to approve payment of invoices.	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH			X			
John POWERS		X	X			
Robert BUDINICH			X			
Jin CHO			X			
Steve LOTT			X			
Stephen MARTINEZ						X
Gail ZACCARO (alternate a)	X		X			
Robert FRANK (alternate b)			X			

HEARINGS

1. 63 First Street - Front and Side yard setbacks for an addition (Marlene and Walter Bednarz)

Brian Callahan, architect, was sworn in at the last meeting and continued to be sworn in for this meeting. The applicant submitted revised plans dated August 14, 2020. This is clarification because of the proximity to the neighbors. A-1 revised plan shows site diagram with neighboring structures on the east and west of the subject property. On the east side (right side) it is about 29.5ft from the applicant's building. The first 24ft (approximately) is a 2 door garage.

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The living space is about 24ft past the 29.5ft away. The living space would be about 50ft from the applicant's house. The house from the west is 26ft from the structure. The owners submitted aerial photos from google maps also illustrate this point. The proximity of the house to the front yard is uniform throughout the neighborhood. One variance they are seeking is a front yard setback. The other revision is the addition of a 5ft high trex privacy type fence. The fence would go along the property line on the east, north and west side with gates as indicated on the site diagram. The fence would start 27.5ft from the front property line on the east side. On the west side, the gate is further back from the front property line and would be 12.8ft from the side property line. There is a deck on the property to the east that pushes the new deck further back The privacy fence helps mitigate any privacy issues that there might have been.

The board members had no additional comments or questions.

Meeting was open to the public for questions. There were no questions. The meeting was closed to the public.

Vote to approve application for 63 First Street as submitted - side yard setback variance for an addition.	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH			X			
John POWERS			X			
Robert BUDINICH	X		X			
Jin CHO			X			
Steve LOTT			X			
Stephen MARTINEZ						X
Gail ZACCARO (alternate a)		X	X			
Robert FRANK (alternate b)			X			

The application was approved. There will be a written resolution memorializing the approval in the next meeting in September. After the resolution is published, if anyone wants to overturn the decision, they have to file suit within 45 days of the publication.

Mr. Callahan thanked the Chairman.

2. 1 Eastbrook - 6ft Fence (Dino Ruggiero)

RM reminded Mr. Dino Ruggiero was still under oath from the last meeting. Mr. Ruggiero provided a "more to scale" drawing of the survey and he added the trees. He stated that there are

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about 10 trees 40ft tall on the property. In between the trees there are bushes. Several of the bushes are not in good condition and he will replace the bushes to fill in the gaps. He has amended his application to a 5ft fence and would come off the property 40ft. The fence would be covered by the existing trees and bushes along with the new bushes he will provide. The fence line is about 30ft along Hackensack. He believes that it would not be an eyesore along Hackensack because it would be covered by trees.

The board had questions. MR asked if the proposed fence will be inside the landscaping and if the height of the fence was changed to 5ft. Mr. Ruggiero said that the fence would be 40ft inside the curbline and inside the line of 40ft high trees. Mr. Ruggiero would accept a 5ft high fence all around.

GZ clarified the fence would be 5ft along Hackensack, 5ft along the neighbor in the back, 5ft on the other side, 5ft between the side neighbor, and 5ft toward the house. Initially, the fence was 6ft along the back. He said the fence would be 5ft all around and would be behind the trees. The fence will be well disguised, it should not propose an issue.

RB asked for the length of the fence from the rear corner of the house towards Hackensack. Without this information it isn't clear what is proposed.

SL asked if the fence is along the drainage easement. Mr. Ruggerio said that the drainage easement is a grate that separates the properties. The fence will not be on it. JS said that you cannot put a permanent structure on an easement and a fence is not considered a permitted structure.

RM asked Mr. Ruggiero to measure the distance since everyone is at home during this meeting.

SL asked if the Planning Board has addressed the fence concerns as it would help the Board of Adjustment. RM has not heard from the Planning Board at this time.

MR agreed that Hackensack is a well traveled street, but does not know why the house should be covered by a fence along Eastbrook. It would have a stockade effect. Mr. Ruggiero mentioned that the neighbors removed the 40ft trees and he feels the backyard is exposed since there are tennis camps at the tennis court and he would like his privacy. The fence is coming off the back of the property.

Mr. Ruggiero measured the distance from the road to behind the trees where the fence would be placed. The proposed fence would be 6-7ft off the property line along Hackensack. The fence would begin 29ft off the corner of the house.

The meeting was opened to the public for comments. No comments were made. The meeting was closed to the public.

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Vote to approve the application for 1 Eastbrook subject to a revised application for a 5ft high fence follows the property line, along the right side and rear and will be 29ft off the house and 6ft (distance) in from the property line along the Hackensack.	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH			X			
John POWERS			X			
Robert BUDINICH	X		X			
Jin CHO			X			
Steve LOTT			X			
Stephen MARTINEZ						X
Gail ZACCARO (alternate a)		X	X			
Robert FRANK (alternate b)			X			

The application was approved. The approval will be memorialized in the next meeting with a resolution. It will be published and anyone who disagrees with the decision will have 45 days to overturn the decision. Until the 45 days after publication has expired, there is some uncertainty.

3. 102 Highland Ave - 6ft Fence (Giuseppe Mellampe)

Mr. Giuseppe Mellampe was sworn in. Mr. Mellampe submitted the application because his property is a corned lot. The maximum height of the fence is 3ft and must be at least 10ft from the curbline. One of the sides is a county road, Tappan Road, which is very busy. One of the variances is for a 6ft fence along Tappan Road and all around. Mr. Mellampe received a letter from Bergen County to take in consideration the setback not to impede on the right of way. The fence would be a white PVC privacy fence. There is no fence there now. There is no landscaping on the perimeter of the property. Mr. Mellampe moved in 3 years ago and has removed damaged trees. It is open space. On the Tappan side there are no trees. On the other side there are some trees, but not on his property. There is about 22ft from the property line. The rear yard is about 50ft. The rear yard abuts the neighbors side yard that faces Tappan. Mr. Mellampe's front yard faces Highland. The rear yard neighbor has one or two trees along the neighbor's side/ Mr. Mellampe's rear yard. Mr. Mellampe spoke with the neighbors about the fences before the application was submitted.

MR said that the way the property is situated, there is no privacy because of Tappan Road. The choice would be putting in a fence or bushes for privacy and sound from Tappan Road. MR is

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not voting for 6ft fences because it is like a stockade, but something is needed there. He will not hold to the letter of the town's 3ft fence requirement because something is needed.

RB said that it looks like the fence is on the Borough's right-of-way and not on his property. JS said that Mr. Mellampe would have to get permission from the town. RB said that the proposed fence would have to be moved to the property line. Mr. Mellampe asked what is meant by 10ft from the curbline (no fence can be erected higher than 3ft within 10ft of the curbline).

AK reviewed the Bergen County letter. He agreed that the fence would have to be moved back off the county's right-of-way. This portion of Tappan Road has a wider right of way, so it is not 10ft from the curb. JS explained that any fence that board approves must be on the applicant's property. The purpose of the right-of-way is if the county wants to widen the road or put utilities. The board does not have the authority to allow the fence on county property. The county would need to approve the applicant to put something on the right-of-way. Mr. Mellampe asked if he could plant hedges on their property? JS said that the right-of-way (on Tappan) is the county's property. JS noted that the board cannot grant permission to put anything on the town or county right-of-way. The board would be able to approve a height if the fence is moved back to the property line.

JS said that the application has been amended to a 6ft fence along the property line.

Board members were asked for questions or comments. RB noted that he was not in favor of 6ft fences. He believes it could be a sight issue and understands why the applicant would want privacy. GZ said she is familiar with this property and a 6ft fence on the property line on Highland Road doesn't seem correct. MR does not like 6ft fences, but evergreens would give privacy. Mr. Mellampe said that it takes time for evergreens to grow. There are tractor trailers and pedestrians on Tappan Road and he does not feel comfortable being in the yard without the privacy of a fence. Mr. Mellampe has a young child.

As part of the procedure, the board hears testimony and it is carried to the next meeting. In the meantime, the board members go to the property and take in consideration what is requested in the application. A vote would be in September.

Mr. Mellampe asked if 3ft is the height that is permitted on the Tappan side. JS said that it is unless he requested a variance. JS suggested that the applicant could be reduced to 4 or 5 ft to see if the board members find it more acceptable. Mr. Mellampe said that he will keep the application to 6ft and hopes that after the board goes to the property they will understand the concern of privacy with a small child and a disable mother-in-law in the home that privacy is needed. They plan to be at home more often.

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SL asked if there is a gate by the driveway at the back? Mr. Mellampe said there is one planned but the type depends on how far back the fence is permitted. They would not back out onto Tappan Road. There is a nook to turn around.

The meeting was opened to the public. No members of the public responded. The meeting was closed to the public.

RM explained that in the interim, members of the board will go out individually to look at the property and hopes that the board could vote in the September meeting.

Mr. Mellampe asked if he applies to the county to have the fence in the county right of way how would it affect the current application. JS said that the applicant would need approval for the height of the fence and would require both approvals. The applicant has the option to do either county or municipal first.

The hearing will be carried to the September 23rd meeting.

4. 35 Giles Rd - Side yard setback for A/C (Allan Napolitano)

Allan and Kristin Napolitano were sworn in. Mr. Napolitano explained that he is at the meeting regarding an air conditioner unit. The code requires a 15ft side yard setback and the property has a 12ft side yard setback. There was no existing unit at the house. Unit requested is a split system and is not a typical large unit. It is about 15" wide. Along the side of the house, there is currently bushes and plant cover and would not be seen from the road. It would be blocked from the neighbors. Looking from Giles Road, the unit will be on the left side. It would stick out 15". If you put the tape measure against the house to the furthest point, it would be less than 2ft. It would be 10ft from the unit to the property line and there are plantings in between that would be unchanged. From the neighbor's yard, the unit would not be visible. By the recommendation of the installer, it is the only feasible location. It is possible to put in the rear of the yard, but it would be more expensive running lines to the rear of the house; it would be more obvious and not look as nice; and more bushes and garden area would be taken out. It would be far from ideal. JS asked if the unit would be less effective in the rear location? Mr. Napolitanto said there could be a possibility that the contractor would require a larger unit, but the contractor's proposal was predicated on this location as the ideal spot.

RM asked based on the description of the unit, does it affect the sound when it is in operation? Mr. Napolitano replied based on the descriptions online it is very quiet. It is quieter than a typical larger a/c unit. It appears that it would be silent from standing on the neighbors property, from the front and side of the house and from the street. It would not be heard.

MR said that it would be an appropriate location and would be a shame to break up what is in the back since it is attractive there. He recommended that the fire department take a look since there is quite a bit of growth there that there is enough room for air to circulate or if there is any

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electrical issue to catch into the grove. There is not enough room there. JS noted that the building department would verify this when it is installed. Mr. Napolitano said he will ensure there is a clear path around and will ensure to get the proper inspections.

The unit would be about 10ft from the front corner along the house. It would be about half way along the side of the house.

AK was excused from the rest of the meeting as he was requested for the 102 Highland Ave. fence application regarding the county road.

RM asked if the members feel they need to visit the property. Some members were familiar with the property.

The meeting was opened to the public. There were no questions or comments. The meeting was closed to the public.

Vote to approve application as submitted for 35 Giles Road. for a side yard variance for an air conditioner unit.	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH			X			
John POWERS			X			
Robert BUDINICH	X		X			
Jin CHO			X			
Steve LOTT			X			
Stephen MARTINEZ						X
Gail ZACCARO (alternate a)		X	X			
Robert FRANK (alternate b)			X			

The application was approved and will be memorialized in a resolution in the September 23rd meeting and will be published. Within 45 days after it is published anyone who disagrees with the decision can file suit to reverse the decision.

Mr. and Mrs. Napolitano thanked the board for their time.

5. 42 Maryann Lane - 6ft Fence (Giuseppe and Josephine Deserio)

Giuseppe and Josephine Deserio were sworn in. They would like to put up a 6ft fence around their property going past the front yard setback. They are a corner property and is considered to

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have two front yards. It exceeds the setback as well the fence is 6ft high. The variance would be along Rugen Drive. The entire fence would be 6ft high. They would like a 6ft fence for privacy; they have 2 dogs; safety for their child; prevent deer coming into the yard. The applicant's backyard neighbor has an existing 5ft fence. The existing fence would remain. The applicants would be willing to match the height of the existing fence. The applicants are requesting to start the fence 21'8" from Rugen Drive curb. They want to make the property look aesthetically pleasing to the neighbors and town. The applicant doesn't feel a 3ft fence looks right. It doesn't block the view of the cars going around the corner of the fence. The reason for the fence to be set back is the applicant is thinking of expanding the house. It would not look right if the fence is too far in. They are open with a 5ft fence to be uniform with the neighbor.

GZ asked if the 5ft fence would be all around. The applicants agreed that the fence would be 5ft.

The applicants said that the fence would match the neighbor's fence which is solid white PVC, privacy.

MR noted that the Descerio's made the property look much nicer than before they bought it and applauded them for what they did. Across the street, the house that was permitted to build a tall fence, the last 3 weeks the wood was still piled on the street side of the fence. The property is very nice, but it is open. He does not care for tall fences. They do need something for privacy. He suggested a shorter fence with evergreen for privacy.

RB asked if they would consider a 5ft fence and a compromise on the front side with an evergreen or shrubbery buffer? Mr. Deserio loves plants and trees and there are a lot of trees on the property. He is open to ideas of where the evergreens could be planted. Mrs. Deserio is open to a 5ft fence all around.

The board had no additional questions.

The meeting was opened to the public. Jill Cadre, an attorney, representing 66 Rugen Drive on behalf of the Pappachristou family. She is here to object on behalf of the family. Her office is at 400 Sylvan Avenue, Suite 201, Englewood Cliffs, NJ, 07632. She said that the work that the Deserios had done on the property is lovely. The Pappachristou family is objecting to the application. The fence will abut the Pappachristou's 5ft fence. The biggest issue is with the setback. From the set back to Rugen Drive to Maryann Ln, it is lovely greenery. If the fence is before the setback, the Pappachristou family will be seeing a fence. It will affect the visibility in driving out of their driveway. As they sit on their yard, they will not be able to see the natural scenery of the area and not see the traffic on the corner of Rugen and Maryann Ln. The fence will lower the property value. If you are standing on Rugen Drive looking at the rear yard of the Deserio's property, all you see is a fence. It will interrupt the Pappachristou family at 66 Rugen which directly abuts the rear yard. The Pappachristou family was present, Jennifer and Michael. The clients have been at the property since 2006. The proposed fence would stick out in the

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front yard (30ft). The way the home corners the property, it hugs a tree that is directly in front of the client's home. It would affect the front line of all the homes on Rugen Drive and would not be in conformity with the rest of the homes on the street. The Deserio family can achieve security for dogs and deer by putting the fence within the setback and out of the view of Rugen Drive. The setback is a huge issue and doesn't conform to Rugen Drive or the community. She asked that alternatives should be taken.

Lance Symons, Rugen Drive. Why didn't the Deserios have the same considerations for the setback on Rugen and Maryann? The visual aspect, you are blocking the view down Rugen Drive and bringing the fence almost to the street. It's not like someone's front property. It's not ornate or decorative. It is a 5ft white wall. The setback on Maryann is just as important on Rugen Drive. Mrs. Deserio noted that the fence would not look very nice if the fence was in front of the house and the fence is abutted next to the house on Maryann Ln. The Deserios are planning to build an extension and decided to plan for the fence instead of moving the fence later. Ms. Cadre noted the Deserios said that the fence would not look very nice in the front of the house. The fence would be in the front of 66 Rugen and everyone looking down Rugen Drive.

Todd Canneo, 31 Demarest Place, Harrington Park. He is a friend of the Pappachristous. They used to sit on the porch at night. He is in the construction business. If you sit on the porch, with the proposed fence, you would see a white wall. Fences in this town are getting out of control. He also has a corner property and understands that there are 2 front yards. There is no reason why you cannot fit within the parameters by having a 3ft fence and plant arborvitaes for privacy. His arborvitaes are 14ft high now. The proposed 6ft fence is unwarranted and unfair to the neighbors.

Mr. Descrio noted that if a 3ft fence was placed within the setback and plant arborvitae for privacy, it would still be blocked down Rugen Drive. He likes the trees on his property and that they go with the rest of Harrington Park. Mrs. Deserio asked if this would also be an issue if they put trees with a lower fence? JS said that you can plant as many trees as tall as you want on your property as long as you maintain a sight triangle for cars turning on the street.

Jennifer Pappachristou noted that driving up Rugen Drive in the morning there is a sun glare and cars driving around Maryann Ln, there were many times she had to break. She has a new driver and is concerned. They put up the fence because they was disgusted with the previous neighbor's yard.

The meeting will be carried to the September 23rd meeting. In the meantime, individual members will go to the property and neighborhood. RM asked the applicant to safely mark out the perimeter of the proposed fence for the variance some time next week. It can be spray painted. It does not have to be a continuous line.

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DISCUSSION

There was discussion about the 6ft fence that was approved on Rugen Dr. It is directly across from 42 Maryann Ln. RM recalled that the applicant said he would put the wood pile as he described as unsightly behind the fence. GZ went to the property today and the wood is inside the fence. MR said that for the past 3 weeks the woodpile was on the lawn. GZ said that it was not there anymore. MR said that there was a lot of wood like he used to. SL noted that the fence is high.

Vince Forma would like to know the outcome for 63 First St. He had difficulty getting access to the link for the meeting and was not noticed. RM said that the application was approved with modification that included a 5ft fence between the applicant's property and Mr. Forma's property.

RESOLUTIONS

1. 4 Park Street - Use variance (Glenn and Jamie Quantmeyer)

RM asked if the members had a chance to review the resolution. There was clarification that the body of the resolution contains the vote. The vote today is for the resolution form.

Vote to approve the resolution for 4 Park St. for a use variance.	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH			X			
John POWERS			X			
Robert BUDINICH	X		X			
Jin CHO			X			
Steve LOTT			X			
Stephen MARTINEZ						X
Gail ZACCARO (alternate a)		X	X			
Robert FRANK (alternate b)			X			

2. 157 Lynn Street - Rear yard setback for a deck (Jung and Eunha Park)

SL said that the resolution should be corrected on page 2 where the street was 'Helen'.

Vote to approve the resolution for 157 Lynn St. for a rear yard setback for a deck.	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH			X			
John POWERS		X	X			

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Robert BUDINICH	X	X		
Jin CHO		X		
Steve LOTT		X		
Stephen MARTINEZ				X
Gail ZACCARO (alternate a)		X		
Robert FRANK (alternate b)		X		

3. 111 South Colonial Drive - Approval Extension for in-ground Pool (Jonathan Fischer)

Vote to approve the resolution for 111 South Colonial Drive for approval extension for in-ground pool.	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH			X			
John POWERS			X			
Robert BUDINICH	X		X			
Jin CHO			X			
Steve LOTT			X			
Stephen MARTINEZ						X
Gail ZACCARO (alternate a)		X	X			
Robert FRANK (alternate b)			X			

MEETING OPEN TO THE PUBLIC

There were no comments or questions from the comment.

MEETING CLOSED TO THE PUBLIC

OLD BUSINESS

142 Schraalenburgh Road - Application for a side yard setback for an A/C unit The applicant had submitted her application in August 2019 and has not sent notices. She replied that she has been ill and has not had the time to send notices. She asked if we could wait until she gets better before she requests to be on the agenda. JS said that she must consent to waiving the time and decision rule. CL will ask the applicant to send a letter waiving the time and decision rule.

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NEW BUSINESS

ADJOURN

Motion: JP Second: GZ In favor, all said "aye". None opposed. Meeting adjourned at 8:48pm.

NEXT SCHEDULED ZONING BOARD OF ADJUSTMENT REGULAR MEETING
Wednesday, September 23, 2020 at 7pm